

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:06CR3154
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
RICHARD KROHMER,	)	
	)	
Defendant.	)	

Defendant, acting pro se, has filed a Notice of Appeal (filing 52) and an Application to Proceed Without Prepayment of Fees and Affidavit (filing 53). The application will be denied because Defendant's affidavit fails to establish that he is unable to pay or give security for fees and costs. *See* Fed. R. App. P. 24(a)(1)(A). In particular, there is an incomplete response to question 3.c regarding his income from pensions, annuities, or life insurance payments. Defendant has not previously been determined to be financially unable to afford counsel.

Defendant is advised that, pursuant to Fed. R. App. P. 24(a)(5), he may file a motion in the United States Court of Appeals for the Eighth Circuit within 30 days to request leave to proceed in forma pauperis on appeal. He may also apply to the Court of Appeals for appointment of counsel.

Accordingly,

IT IS ORDERED that:

1. Defendant's application for leave to proceed in forma pauperis on appeal (filing 53) is denied.

2. Pursuant to Fed. R. App. P. 24(a)(4)(A), the clerk of the court shall send a copy of this Memorandum and Order to Defendant personally and to the Clerk of the United States Court of Appeals for the Eighth Circuit.

October 9, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge